

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NEWCROP, LLC,	
v.	Plaintiff,
PRESQRIBER, LLC,	
	Defendant.

AGREED MOTION TO VACATE CLERK'S ENTRY OF DEFAULT

Defendant Presqriber, LLC (“Defendant” or “Presqriber”) hereby files this Agreed Motion to Vacate Clerk’s Entry of Default, and in support thereof shows the Court as follows:

1. On July 14, 2014, at the request of Plaintiff NewCrop, LLC (“Plaintiff” or “NewCrop”), the Clerk of the Court entered a Clerk’s Entry of Default (Dkt. No. 11) against Defendant Presqriber.

2. On July 15, 2014, Defendant’s counsel has advised Plaintiff’s counsel that there was a miscommunication regarding the date of service on Defendant and that Defendant had every intent to timely answer and no intent to default. Also on July 15, 2014, Defendant filed its Answer and Defenses to the Complaint (Dkt. No. 17).

3. In light of these circumstances, the parties have agreed that the Clerk’s Entry of Default should be vacated, and that Plaintiff’s Motion for Default Judgment (Dkt. No. 13) is moot.

WHEREFORE, Defendant Presqriber respectfully requests the Court vacate the Clerk’s Entry of Default and deny as moot Plaintiff’s Motion for Default Judgment.

Dated: July 31, 2014

Respectfully submitted,

/s/ Craig Tadlock

Craig Tadlock

State Bar No. 00791766

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CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for Plaintiff NewCrop, and the parties have agreed to the form and substance of this motion. Accordingly, this motion is an agreed motion.

/s/ Craig Tadlock

Craig Tadlock

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 31st day of July, 2014.

/s/ Craig Tadlock

Craig Tadlock